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January 4, 2022

VIA ECF

Honorable Gary R. Brown
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Hernandez et al v. The Money Source
17 CV 6919 (GRB)(AYS)

Hon. Gary R. Brown:

I represent the Plaintiffs in the above referenced matter and writing to respond to Defendant's letter of earlier today [Document 109] wherein Defendant makes outrageous allegations that Plaintiffs have not provided interrogatory responses in "order to shield Dr. Shapiro from questions regarding facts pertaining to Plaintiffs' earnings and efforts to mitigate." Such allegations are baseless. First, it should be noted that Dr. Shapiro's report is only for Richard and Steve Hernandez, not Maria Keegan. As the Defendant is aware, both Richard and Steve Hernandez found employment with United Mortgage approximately one month after they were terminated from The Money Source in 2016. They have remained at United ever since. Accordingly, Defendant's interrogatories (see Exh 1) have no bearing on Dr. Shapiro's report which is based only on Richard and Steve Hernandez' continued employment at United. Defendant never indicated that they wanted or needed the interrogatories prior to Dr. Shapiro's deposition nor did they even respond to my email wherein I indicated I needed a few additional days to respond. Had they responded to my email at 3:30 pm yesterday, we could have at least tried to work out a solution. Instead, they chose to write to the Court and make baseless allegations.

Among other issues that have been raised during the last 10 days, Defendant filed a 20-page motion in limine on the eve of the final day that they could make such a motion. Between their extensive motion, the intervening holidays that occurred and other trial documents that have needed to be submitted, counsel did not intentionally delay any responses.

Respectfully Submitted,

/s/

Lauren Goldberg

cc: John Gionis, Esq. Counsel for Defendant(via ECF)
cc: Joshua Feldman, Esq. Counsel for Defendant (via ECF)
cc: Frank Giglio, Esq Counsel for Defendant (via ECF)
cc: Robert Goner, Esq. Counsel for Defendant (via ECF)
cc: Joseph M. Labuda, Counsel for Defendant (via ECF)
cc: Michael James Mauro, Counsel for Defendant (via ECF)